

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**SUBDIVISION REPORT # FPP-13-04**  
**TRUMBULL CREEK CROSSING PHASES 2-5**  
**NOVEMBER 27, 2013**

A report to the Flathead County Board of Commissioners regarding a request for preliminary plat approval of Trumbull Creek Crossing Phases 2-5, a phased major subdivision that would create 113 single family residential lots. Located northeast of Kalispell, the subject property is approximately ¼- mile north of East Reserve Drive and ¼-mile east of U.S. Highway 2.

The Planning Board will hold a public hearing in the Earl Bennett Building conference room at 1035 First Avenue West, Kalispell on December 11, 2013 to review the proposal and make a recommendation to the Flathead County Commission. Final action on this proposal by the governing body must be taken prior to the review deadline of February 6, 2014. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, located in the Earl Bennett Building at 1035 First Avenue West, Kalispell, Montana.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee/Council**

The proposal is not located within the advisory area of a Land Use Advisory Council.

**B. Planning Board**

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on December 11, 2013 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

UPDATE 12/16/13: The Flathead County Planning Board held a public hearing on December 11, 2013 to review the proposed subdivision. Board members present included Jim Heim, Noah Bodman, Jeff Larsen, Marie Hickey-AuClaire, Gene Shellerud, and Ron Schlegel.

- Staff presented the report, summarizing the file history, agency and public comment received to date, pertinent review criteria, and draft findings and conditions for the Subdivision request.
- Staff indicated a typographic error in draft finding #14 in reference to the 100-year floodplain, with the correct reference being 1% and not 0.1%.
- Staff discussed two requested text revisions from technical representative Andy Hyde. The revisions pertain to Condition # 20 regarding language related to public water and sewer connection requirements, and to Condition #23 regarding language related to road signage requirements.

After discussion the Planning Board adopted the staff report #FPP-13-04 as findings of fact; subsequently voted to amend Finding # 14, Condition #23, and Condition #20, and; voted unanimously on the motion to recommend approval of the subdivision, as amended, to the County Commission. Reflecting the noted changes, the Findings of Fact and Conditions as amended are included on the attached Planning Board Addendum to this report.

### **C. Commission**

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to February 6, 2014 which is the end of the 80 working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

## **II. GENERAL INFORMATION**

### **A. Project Personnel**

#### **i. Applicant/Owner**

NW Dev Group, LLC  
4260 Galewood St. Suite. B  
Lake Oswego, OR 97035

#### **ii. Technical Assistance**

Sands Surveying, Inc.  
2 Village Loop  
Kalispell, MT 59901

Carver Engineering, Inc.  
1995 3<sup>rd</sup> Avenue East  
Kalispell, MT 59901

### **B. Project Description**

The request is for preliminary plat approval of Trumbull Creek Crossing Phases 2-5, a 113-lot residential Major Subdivision planned to be developed in four separate phases on the 36.33 acre subject property, with approximately eight acres planned for parkland, open space, and common areas. Primary access to the subdivision would be from Mountain View Drive via East Reserve Drive and US Highway 2 for the first two phases (access for 44 lots through existing Trumbull Creek Crossing Phase 1 Subdivision), and a proposed off-site road extending north from the subdivision boundary to Rose Crossing would be developed with the third phase to provide an additional primary access from Rose Crossing via US Highway 2 to serve the subdivision at full build-out. All lots would be served by a proposed extension of the Evergreen Water & Sewer District's public water and sewer systems.

The preliminary plat consists of four sheets - Preliminary Plat showing the subdivision and lot configuration and dimensions, W&S-1 showing the water and sewer plans, SD-1 showing the stormwater drainage plan, and SD-2 showing miscellaneous notes and details. Below is a general description of key elements of the proposal, the topics of which will be discussed in more specific detail in particular applicable sections of the report.

#### Environmental Documents

- Trumbull Creek runs through the subject property and there are associated wetland, riparian, and floodplain areas. Addressing environmental considerations the application submittal includes an environmental assessment, a wetland delineation, a riparian resource management plan, groundwater monitoring information, and documents pertaining to an applicable 'Letter of Map Revision' (LOMR) previously issued by FEMA.

### Access

- The preliminary plat indicates the proposed internal road network designed to comply with standards of the City of Kalispell in terms of dimensions, curb and gutter, etc.
- Pertaining to vehicular access the application submittal includes a Transportation Impact Study (TIS) which evaluates the impact of traffic estimated to be generated by the subdivision on area roads.

Water and Sewer - Regarding use of Evergreen Water & Sewer District's public water and sewer systems the application submittal includes:

- Copy of correspondence between the applicant and the District;
- Resolution 5072 regarding the development of Kelsey Subdivision (currently called Trumbull Creek Crossing Phase 1) and provisions of its sewer services;
- Resolution 5103 establishing a policy for terms of usage of Evergreen sewer services by properties outside the boundaries of the Flathead County Sewer District No. 1 RSID No. 132, and;
- Interlocal Agreement between the City of Kalispell and the Flathead County Water and Sewer District No. 1.

### Phasing Plan

As the subdivision is planned to be developed in four separate chronological phases, the application submittal includes a phasing plan entitled 'Master Concept Plan and Timeline for Trumbull Creek Crossing Phases 2-5', hereafter referred to as 'phasing plan' in this report.

- Intending to integrate the development concept of the proposed subdivision with that of the adjacent existing Trumbull Creek Crossing Phase 1 Subdivision which was previously developed by the applicant, the first phase of the proposed preliminary plat is referred to as Phase 2.
- Subdivision improvements and estimated timelines associated with each phase are outlined in the phasing plan and visually apparent on the preliminary plat, with each phase being developed with its particular parkland, open space and common areas as well as its appurtenant utility, water, sewer, and road infrastructure anticipated to be completed as subdivision improvements prior to final plat approval of the particular Phase.
- Included in the third phase (Phase 4) and shown extending north of Magdalena Ave on the preliminary plat, a future offsite road is planned to extend approximately ½ mile to Rose Crossing. While this feature's specific alignment across other properties owned by the applicant is yet to be determined, the road is expected to be constructed to applicable standards and completed as a subdivision improvement prior to final plat approval of Phase 4 (refer to Figure 1).

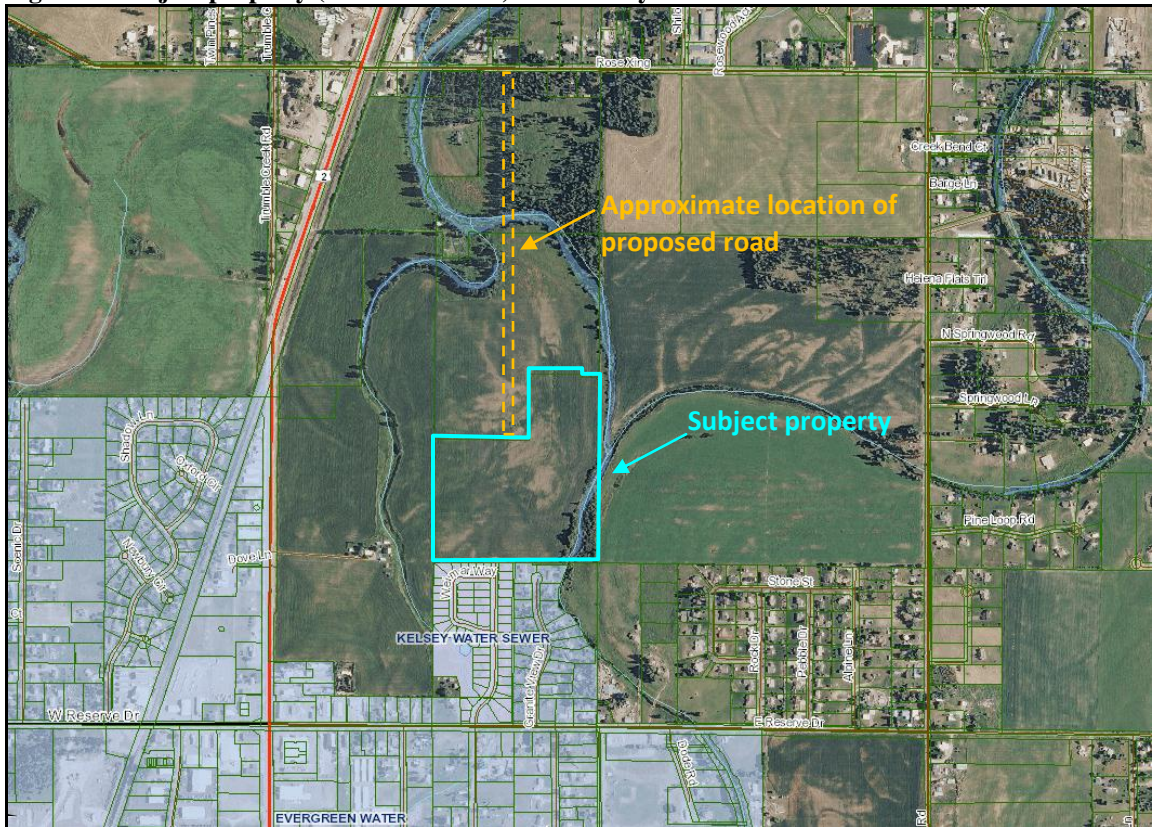
### C. Legal Description of Subject Property

Proposed Rosewater Subdivision is comprised of one tract of record that can be legally described as Tract 2 of Certificate of Survey #19550, aka as Assessor's Tract 3BA, located in Section 28 Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

### D. Detailed Location

The subject property is located ¼ mile east of US Highway 2 between East Reserve Drive and Rose Crossing on property situated directly north of Trumbull Creek Crossing Phase 1 (refer to Figure 1).

**Figure 1- Subject property (outlined in blue) and vicinity**



### E. Subdivision Layout Detail

- |   |                                |
|---|--------------------------------|
| i. Total Subdivision Acreage:                 | 36.33 acres                    |
| ii. Acreage in Lots:                          | 19.00 acres                    |
| iii. Acreage in Roads:                        | 9.26 acres                     |
| iv. Total Park/Common Area/Open Space Acreage | 8.06 acres                     |
| v. Minimum Lot Size                           | 0.14 acres                     |
| vi. Maximum Lot Size                          | 0.26 acres                     |
| vii. Overall Gross Lot Density:               | 1 dwelling unit per 0.32 acres |
| viii. Easements                               |                                |

The preliminary plat indicates:

- Existing 60-foot private road and utility easement of Mountain View Drive;



- Proposed 60-foot wide private road and utility easements for the proposed internal subdivision roads;
- Proposed 15-foot utility easement adjacent to Lot 5 of Phase 2;
- Proposed 60-foot wide private road and utility easement adjacent to Lot 13 of Phase 2 for potential future road extension to Granite View Drive in the neighboring Granite View Subdivision;

**ix. Common Areas**

The preliminary plat indicates proposed Park ‘A’, Common Area A, and Open Spaces A-F with the following attributes:

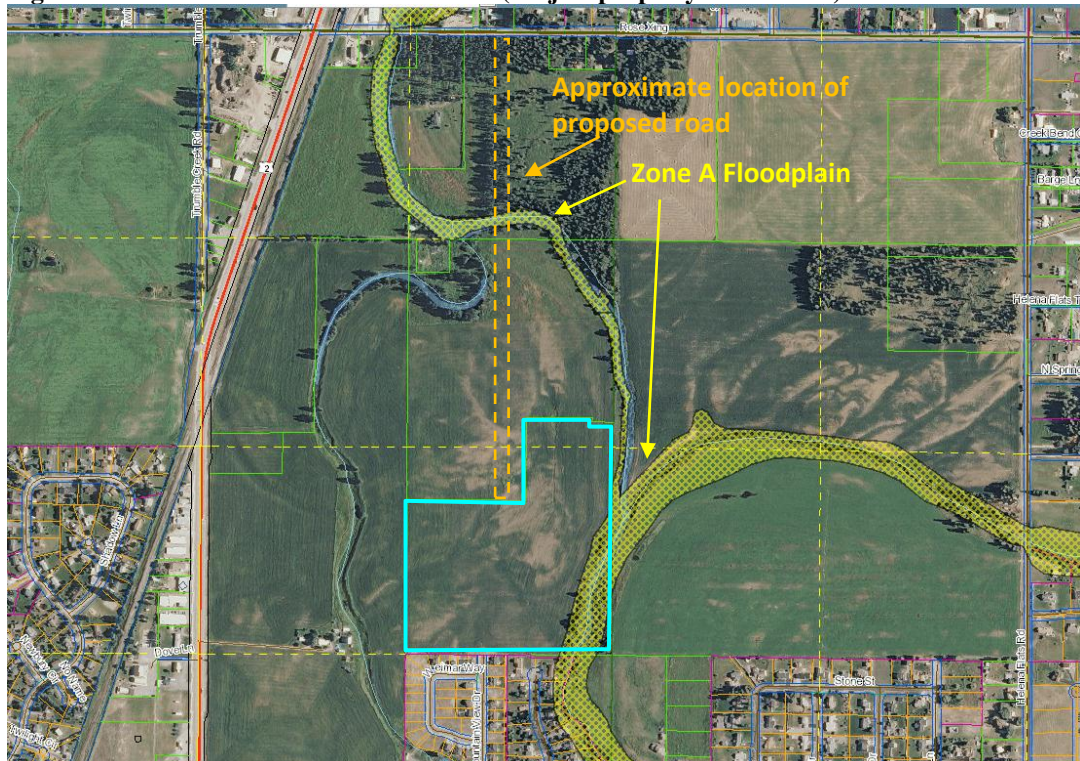
- Park A (1.10 acres) provides recreational area intended to comply with statutory parkland requirements.
- Common Area A (3.94 acres) occurs along the eastern perimeter of the subdivision and contains a portion of Trumbull Creek, jurisdictional wetlands and 100-year floodplain. This area also includes a strip of open common area on the upper bank of the creek planned to be developed with a recreational pathway.
- Open Spaces A-F (3.00 acres) provide open space and function as stormwater retention areas.

**F. Administrative Characteristics**

**i. Current Land Use**

The subject property is comprised of open vacant fields which have been used for agricultural purposes (refer to Figure 2).

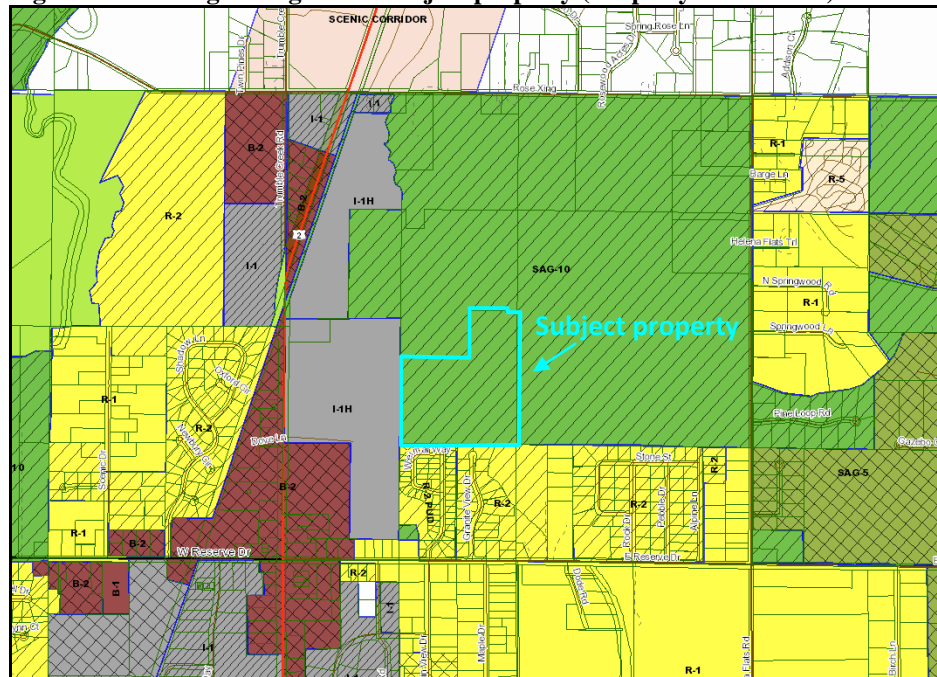
**Figure 2 - Current land use and land cover (subject property shown blue)**



## ii. Current Zoning

As of the date this report was prepared the subject property is currently zoned SAG-10 Suburban Agricultural within the Evergreen Zoning District (refer to Figure 3), however the subject property has recently undergone review for a zoning map amendment to R-4 Two-Family Residential (refer to Figure 4). With a proposed density of 1 dwelling unit per 0.32 acres, approval of the proposed subdivision is contingent on approval and adoption of the requested zone change to R-4. The zone change has been preliminarily approved with adoption of Notice of Passage of Resolution No. 797 FO by the Flathead County Commission on November 4, 2013. The proposed zoning map amendment is currently within the thirty-day 'protest period', which will end prior to the public hearing on the subdivision proposal. Approval of the subdivision should be conditioned upon adoption of the proposed R-4 zoning designation for the subject property through a final resolution.

**Figure 3 - Existing zoning on the subject property (Property shown blue).**



[illegible]

The request is for preliminary plat approval of Trumbull Creek Crossing Phases 2-5, a 113-lot single-family residential subdivision planned to be developed in four separate phases on the 36.33 acre subject property, with approximately eight acres planned for parkland, open space, and common areas. All lots would be served by a proposed extension of the Evergreen Water & Sewer District's public water and sewer systems.

### **i. Description of Area Surrounding Proposed Subdivision**

Located 1/4 mile east of US Highway 2, the character of the area surrounding the proposed subdivision is predominantly agricultural, with a mix of residential industrial and commercial land uses. Directly south of the property is Trumbull Creek Crossing, Phase 1, a residential subdivision with an average lot size of 0.198 acres. Also to the south of the subject property is the Granite View Subdivision, with residential lots that average approximately 1/2 acre in size. North of the subject property is residential and agriculture. East and west of the subject property are agricultural fields.

As shown in Figure 3 above, the subject property is located within the Evergreen Zoning District and surrounded by suburban agricultural, industrial, commercial, residential, scenic corridor zones and un-zoned areas (see Figure 3). The subject property is bordered to the west by 'I-1H Light Industrial - Highway,' and 'SAG-10 Suburban Agricultural.' East of the subject property is 'SAG-10 Suburban Agricultural' zoning and south is 'R-2 One Family Limited Residential' zoning. North of the property is 'SC Scenic Corridor' and un-zoned property.

**iii. Land Uses**

As shown in Figures 1 and 2 above, the subject property is situated in an area which is prevalently developed with agricultural and relatively low density residential uses. Limited instances of light industrial and commercial uses occur within an approximate one mile radius from the site. The predominant character of the area surrounding the subject property is agricultural and estate-type rural residential, and the subject property and adjacent parcels tend to be open fields and pasture except for the wooded riverine area of the Whitefish River to the east. The mix of agricultural, residential, and light industrial land uses is consistent with the established mixed zoning present in the general area.

**iv. Previously Considered Subdivisions in Area**

Adjacent properties are a combination of tract land created through Certificate of Survey and other exemptions and subdivision review. Directly south of the property is Trumbull Creek Crossing Phase 1, a residential subdivision with an average lot size of 0.198 acres. Also to the south of the subject property is the Granite View Subdivision, with residential lots that average approximately ½ acre in size.

**H. Utilities and Services**

**i. Water**

Connection to public water system of Evergreen Water and Sewer District

**ii. Wastewater**

Connection to public sewer system of Evergreen Water and Sewer District

**iii. Electricity**

Flathead Electric Cooperative

**iv. Natural Gas**

Northwestern Energy

**v. Solid Waste**

Contract Haul- Evergreen Disposal

**vi. Telephone Service**

Century Tel

**vii. School District(s)**

Helena Flats (K-8), Flathead High School

**viii. Fire District(s)**

Evergreen Fire District

**ix. Police**

Flathead County Sheriff's Department

**III. COMMENTS RECEIVED**

**A. Agency Comments**

The subdivision file contains a copy of the agency referral document sent on October 29, 2013. As of the date of completion of this staff report, the following comments have been received:

- Jim Chilton, Flathead County Solid Waste
  - The District views no negative impact with solid waste issues at this time.
- Dave Prunty, Public Works/Flathead County Road Department



- Provides perspective on the submitted TIS, indicating the intersection of US Highway 2 and Reserve Drive is the jurisdiction of Montana Department of Transportation.
- Comment indicates the proposed Phase 4 road extension to Rose Crossing would be required to be constructed in compliance with applicable County road standards and an approach permit would be required for the location where the new road would approach onto Rose Crossing.
- Wendee Jacobs, Flathead City-County Health Department
  - The proposed sewage treatment, water supply, and stormwater drainage will be reviewed by this office and the Subdivision Section of the Department of Environmental Quality under the Sanitation in Subdivisions Act.
- Nathan Holm, Flathead County GIS Department
  - Comment refers to the adopted road naming conventions as required by Resolution 1626C. Of the eight proposed road internal subdivision roads shown on the preliminary plat, only two of the proposed names are approved by the Flathead County GIS Department - Clark Fork Drive and Middle Fork Drive. The other six proposed road names are not approved.
- James Freyholtz, Montana Department of Transportation
  - Comment acknowledges 1) East Reserve Drive and Rose Crossing are the County's jurisdiction, and 2) the submitted Traffic Impact Study indicates no mitigation is needed at the intersections of US Highway 2 and Reserve Drive and US Highway 2 and Rose Crossing. He has no other comments regarding this proposal.
- Marc Pitman, Montana DNRC
  - Acknowledging the Zone A floodplain on the property, the comment indicates the proposal addresses floodplain considerations appropriately.
  - Comment notes that in addition to the FCWD#1 Evergreen water right 76LJ 30064206, there is another existing water right (#76LJ 6364 00) for irrigation in the name of the property owner. Ownership of the water right along with easements to the point of diversion, a well, need to be either placed in the name of the future HOA or severed from the property, and the owner is advised to consult with Department staff prior to determine who will own the water right once the property is divided.
- Roberta Struck, Flathead County Water& Sewer District #1
  - Comment states the property must be annexed into the District in order to be provided water and sewer services, and the services will be extended at the developer's expense and in compliance with all District specifications and policies.
  - Comment states placement and number of fire hydrants will have to be approved by the Evergreen Volunteer Fire Department.
  - Comment states "Since the described property is located outside of RSID 132, the boundary defined in the District's Interlocal Agreement with the City of Kalispell

as the area that can be served by the District's wastewater collection system, permission must be obtained from the City of Kalispell to connect to the District's wastewater collection system. The District will approve the connection to the sewer system only after the City of Kalispell provides written verification to the District that all of their requirements will be satisfied."

- Peggy Beekman-Weyant, Bonneville Power Administration
  - Indicated the proposal will not impact any BPA transmission line corridors, and BPA has no objections to the approval of the request.
- Susie Turner, Public Works Director, City of Kalispell
  - Comment appears to refer to page 17-18 of the submitted environmental assessment, seeking to request three text additions to the environmental assessment. As the environmental assessment is already written and under review, her concerns will be addressed as applicable in this report.
    - 1) The Comment requests the developer be required to obtain a written consent of the City Manager as authorized by the City Council. (Presumably consent to connect to the sewer collection system of Flathead County Water & Sewer District #1.
    - 2) The Comment requests the developer be required to provide a written execution of a waiver to protest annexation and consent of withdraw for the rural fire district.
    - 3) The Comment requests the developer enter into a development agreement with the City in which the parties agree that the subdivision shall be developed to City of Kalispell Urban Construction and Design Standards and pay such impacts fees as may be required to manage the new demands upon the city services that the development may create.
  - \* On 11/22/13 staff called Ms. Turner and Erica Wirtala to discuss ramifications of the City's demands on the development. It was clarified the demands are standard demands based on language contained in the Interlocal Agreement between the City of Kalispell and the Flathead County Water and Sewer District No. 1 as related to RSID No. 132 of the Flathead County Sewer District No. 1. It was also clarified the property is outside of the City of Kalispell's current annexation policy boundary.
- Kevin LeClair, City of Kalispell Planning Department
  - The comment refers to a previous 2009 City of Kalispell Planning Department review of a PUD and subdivision proposal similar in configuration to the current proposal. Though the prior 2009 review was terminated before being considered by the Kalispell City Council, the proposal had been reviewed and recommended for approval by Kalispell's Planning Board, and the comment includes conditions of approval as recommended by Kalispell's Planning Board at that time.
  - As the current proposal for water and sewer services would necessitate compliance with the specifications and policies of Flathead County Water & Sewer District #1 which in turn would trigger compliance with the City of Kalispell's requirements per Resolution 5103, the comment recommends Flathead

County consider the draft conditions from the 2009 review if found applicable to the current proposal.

- Darlene Schottle, Superintendent of Kalispell Public Schools
  - The comment indicates that while Glacier High School is able to accommodate students generated by the subdivision the City's Elementary District cannot manage the impact.

#### **B. Public Comments**

In accordance with Section 4.1.10, adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on November 18, 2013, legal notice was published in the Daily Interlake on November 24, 2013, and notice of the proposal and public hearing was physically posted onsite on November 12, 2013.

As of the date of the completion of this staff report, no written public comments have been received regarding the proposal. Any written public comment received after November 27, 2013 will be summarized verbally and entered into the public record during the Planning Board hearing on December 11, 2013. Anyone wishing to provide verbal public comment may do so in person at the December 11, 2013 Planning Board hearing.

### **IV. LOCAL GOVERNMENT REVIEW**

#### **A. Review Criteria**

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed. Definitions of primary review criteria can be found in Section VIII of this report and in Chapter 2 of the Flathead County Development Code.

##### **i. Impact on Agriculture**

The subject property has historically been used for agriculture, most recently for wheat production. Adjacent neighboring properties to the north, east, and west of the subject property are used for agricultural uses, and adjacent neighboring properties to the south are presently used for residential purposes. While the proposal would result in a substantial reduction in agricultural production onsite, it does not appear the proposal would impact the ability of neighboring properties to continue to be used for agriculture. The evaluation of the submitted Preliminary Plat, Environmental Assessment, and supporting documentation included with the application has identified no adverse impacts to onsite or area agriculture which would necessitate special mitigation.

##### **Finding #1**

The development's impact on agriculture would be minimal and limited to the subject property because adjacent properties are not dependent upon the subject property for continued agricultural use, agricultural access, or for irrigation water.

##### **ii. Impact on Agricultural Water User Facilities**

The subject property is not developed with irrigation infrastructure, is not in an irrigation district or party to any irrigation agreements, and serves no irrigation water to adjacent or neighboring properties

Comment provided by Marc Pitman of the Montana DNRC indicates an irrigation-specific water right (76LJ 6364 00) is established in association with an existing well, and ownership of the water right along with easements to the point of diversion (the well) need to be either placed in the name of the future HOA or severed from the property.

### **Finding #2**

There would be no impact to agricultural water user facilities because the subject property is not irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, is not party to any irrigation agreements, and there is a mechanism established by the Montana DNRC by which the developer may appropriately update the ownership information pertaining to an existing irrigation water right.

### **iii. Impact on Local Services**

#### **1. Water and Wastewater**

The proposed public water utility infrastructure for the subdivision is depicted on the W&S-1 sheet of the Preliminary Plat submitted with the application. The proposal involves extending 8-inch water and sewer mains in a looped system through the subdivision from the existing water and sewer main stubs located at the north end of Mountain View Drive within the Trumbull Creek Crossing Phase 1 Subdivision. While the subject property is not currently annexed into the jurisdiction of a public water and sewer district, domestic water supply and sewer collection for all lots within the subdivision is proposed to be provided by the Evergreen Water and Sewer District as such service is necessary for the proposed density of the subdivision and that of potential future subdivisions on adjacent properties.

Written comments have been received from the Evergreen Water and Sewer District and the City of Kalispell Public Works Department regarding the current proposal. As the subject property is located outside of RSID 132 and the service area of the District, permission must be obtained from the City of Kalispell to connect to the District's wastewater collection system, and such permission is dependent upon compliance with the City's policies and requirements contained in the Interlocal Agreement between the City of Kalispell and the Flathead County Water and Sewer District No. 1 as related to RSID No. 132 of the Flathead County Sewer District No. 1.

Based on language contained in the Interlocal Agreement, the City of Kalispell Public Works Department has indicated three standard requirements for a property outside of the RSID 132 boundary and the comment from the Evergreen Water and Sewer District indicates meeting those requirements would be necessary before the subdivision could be served by the public water and sewer services of the District.

In terms of physical improvements related to the proposed water and sewer service, it is anticipated that necessary water and sewer infrastructure to serve each phase will be designed and installed sequentially with each phase. The submitted Environmental Assessment indicates the developer would prepare

sewer main extension plans for each phase, and those plans would be submitted to the District for review and approval in accordance with District regulations and policies.

As with all subdivisions, both water and sewer services for the proposed subdivision would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

**2. Schools**

The proposal is within the boundaries of the Helena Flats School District 15 for K-8 students and the Flathead High School District (Glacier High School) for high school students. The submitted Environmental Assessment indicates there is no bussing of K-8 students attending Helena Flats, but there is bussing for high school students. Comment from the Superintendent of Helena Flat School provided with the Environmental Assessment indicates the school has capacity to serve the K-8 students estimated to be generated by the subdivision. The Superintendent of Kalispell Public Schools has indicated that Glacier High School is able to accommodate high school students generated by the subdivision, and though her comment says the City's Elementary District cannot manage the impact, it is noted the property is not located in the boundaries of a City elementary school district.

**3. Mail Delivery**

The application indicates a proposed centralized mailbox facility presumably grouped with the existing facility serving Trumbull Creek Crossing Phase 1. The proposal for mail delivery appears reasonable and the applicant should be required to provide a letter of approval from the U.S. Postal Service prior to final plat.

**4. Recreation**

The proposal is centrally located in the Flathead Valley which is an area with ample opportunities for a wide range of recreation. As indicated in the application, the proposal to satisfy applicable subdivision 'parkland' requirements is to dedicate the proposed 1.10 acre Weimer Park and the 3.946 acre Common Area A within the subdivision and maintained by the Home Owner's Association (HOA) under provisions outlined in CC&R's for the subdivision (both shown on the preliminary plat). The combined area of proposed dedicated park and common area exceeds the 2.09 acres which would be required as parkland pursuant to Section 4.7.24 FCSR. The submitted application materials indicate a walking path would be situated along the eastern and southeastern subdivision boundaries which would connect to the existing sidewalk on Mountain View Drive providing recreational use for lot owners within existing Trumbull Creek Crossing Phase 1 and proposed Trumbull Creek Crossing Phase 2-5.

**5. Roads**

As shown on the preliminary plat, primary access for the Lots within the subdivision would be from proposed internal roads which would be accessed by private paved Mountain View Drive within Trumbull Creek Crossing Phase 1 via



East Reserve Drive, a paved County maintained road. The internal roads would be established as a looped road system providing access to all Lots as well as future access to adjacent property owned by the developer. In order to meet the City of Kalispell's development requirements related to the Interlocal Agreement between the City of Kalispell and the Flathead County Water and Sewer District No. 1, as described above, the proposed private internal subdivision roads would be designed and constructed to comply with currently applicable Flathead County Road and Bridge Department standards for sub-grade structure, width, and paving, and are designed to also comply with the City's design standards with regard to width, curb-and-gutter, and sidewalk boulevards.

As depicted in various elements of the submitted application and in Figure 1 above, an off-site road extending north from the subdivision boundary to Rose Crossing is proposed to be developed with the third phase (Phase 4) to provide an additional access to the subdivision from Rose Crossing via US Highway 2. Until such time that Phase 4 would be developed for final plat approval, the primary access through Trumbull Creek Crossing Phase 1 via Mountain View Drive would be the only ingress and egress for the 44 lots of proposed Phases 2 and 3.

While the Flathead County Road and Bridge Department indicates no concern with the proposed road extension to Rose Crossing, the Department's comment indicates the road and its crossing over Trumbull Creek would be required to be constructed in compliance with applicable County road and bridge standards and an approach permit would be required for the location where the new road would approach onto Rose Crossing.

Maintenance of roads and related infrastructure is proposed to be addressed as an HOA responsibility established in an adopted CC&R document. The application includes a copy of existing CC&R's for Trumbull Creek Crossing Phase 1 which addresses long-term maintenance of the private roads, specifically establishing road maintenance as a responsibility of the HOA in Article VI. It is anticipated an amended CC&R document would be created prior to final plat of Trumbull Creek Crossing Phase 2 to establish applicability of the document provisions to lot owners in both Trumbull Creek Crossing Phase 1 and Trumbull Creek Crossing Phase 2-5.

With 113 proposed residences, the new subdivision is anticipated to have 1130 average daily vehicle trips at full build-out, and therefore the application includes a Traffic Impact Study (TIS) which has evaluated impacts of the anticipated traffic generated by the subdivision on safety and traffic volumes of pertinent roads and intersections in the vicinity of the proposal. The TIS has considered the proposed future extension to Rose Crossing in its calculations, and as proposed the TIS found the impact to area roads attributable to the proposed subdivision does not necessitate any improvements to key area roads and intersections, and indicates good traffic planning has been incorporated into the preliminary plat submittal and recommends the development proceed as shown on the preliminary plat.

Written comments submitted from the Flathead County Road and Bridge Department and the Montana Department of Transportation indicate no concern with the proposal.

**6. Fire/Emergency Medical Services**

The site is currently located within the Evergreen Fire District and a fire station with Advanced and Basic Life Support services is located approximately 1.25 driving miles south of the subdivision on US Highway 2. The Kalispell Regional Medical Center is approximately five driving miles from the proposed subdivision. The preliminary plat indicates the development design includes installation of new fire hydrants, and comment from the Evergreen Water and Sewer District states placement and number of fire hydrants will have to be approved by the Evergreen Volunteer Fire Department.

The Flathead County Address Coordinator (GIS Department) who is responsible for coordinating street names and house addresses with the 911 Emergency Response System commented that several proposed internal road names are not able to be approved and that road names and addresses must comply with the standards outlined in Resolution 1626C.

Based on Section 4.7.26(b)(c)&(d), the applicant should be required to satisfy reasonable conditions related to fire suppression, emergency medical services, and/or emergency vehicle access as recommended by the Fire Department if required by the Board of County Commissioners.

**7. Police Services**

The property is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff. Although solicited, the Sheriff's Department has provided no comment. Given existing staffing levels, the size of the County and the dispersed nature of the population, service to this subdivision is anticipated to be consistent with other unincorporated rural areas of Flathead County and delayed response times may be experienced.

**8. Solid Waste Disposal**

The applicant is proposing contract haul as a mechanism for solid waste disposal. A letter from the Flathead County Solid Waste District supports the proposed method of waste disposal as the District requests that all new subdivisions in Flathead County use a contract hauler to bring solid waste to the landfill.

**9. Other Utilities**

Electric, telephone, natural gas and cable/internet utilities are required to be placed underground within the existing and proposed utility easements to serve the lots within the subdivision. As stated in the application, Flathead Electric will provide electrical power, CenturyTel will provide telephone service, and Northwestern Energy will provide natural gas.

**Finding #3**

The proposal for domestic water supply and wastewater management for all lots within the subdivision is connection of all lots to the public water and sewer services of the Evergreen Water and Sewer District, which will necessitate an

extension of existing water and sewer mainlines presently situated adjacent to the subject property. The District has submitted a will-serve letter, and while the proposed connection to the District's public water and sewer services is feasible, such a connection and use of services is subject to the subdivision and developer complying with standard policies of the District in addition to specific terms and conditions established in Resolution No. 5103 and an Interlocal Agreement between the City of Kalispell and the Flathead County Water and Sewer District No. 1 because the subject property is not currently annexed into the service area of the Evergreen Water and Sewer District and is outside the applicable service boundary established by RSID No. 132.

**Finding #4**

The proposal to dedicate the proposed park and Common Area A managed by a Home Owners Association to satisfy parkland requirements appears acceptable because the combined recreational area acreage exceeds the requirement for parkland as outlined in Section 4.7.24 FCSR and the Flathead County Parks and Recreation Department has not indicated concern with the proposal.

**Finding #5**

The proposed road approaching onto Rose Crossing appears reasonable because the paved offsite road and its crossing of Trumbull Creek would be designed and constructed to comply with the standards outlined in Section 4.7.16 of the Flathead County Subdivision Regulations and the Flathead County Road and Bridge Department's *Minimum Standards For Design and Construction*.

**Finding #6**

Primary access would be from existing 32-foot wide paved Mountain View Drive via East Reserve Drive and a future offsite road to be developed with Phase 4 which would approach onto Rose Crossing. The anticipated impact of traffic generated by the proposed subdivision on existing area roads and intersections appears minimal and acceptable because the submitted Traffic Impact Study recommends no improvements to the existing transportation network be required as it identified no adverse impact to existing area roads or intersections attributable to the proposed subdivision; the subdivision roads would meet or exceed applicable Flathead County Road and Bridge Department standards for sub-grade structure, width, and paving; the subdivision roads would also comply with the City of Kalispell's design standards in regard to width, curb-and-gutter, and boulevard/sidewalk standards, and; a requirement for an approach permit for the location where the new road would approach onto Rose Crossing would ensure that the new road intersection would be developed in a well-designed and safe manner.

**Finding #7**

As currently proposed, the internal subdivision road names would adversely impact services of emergency service providers because the proposed names do not comply with the requirements of Resolution No. 1626C which aim to coordinate street names and house addresses with the 911 Emergency Response System.

**Finding #8**

The proposal would not adversely impact services of the Evergreen Fire District because the location is in close proximity to fire stations, the site would be developed with fire hydrants to aid in fire suppression, and adequate access may be provided for emergency vehicles.

**Finding #9**

Effects of the proposed subdivision on local services would be minimal with imposed conditions because necessary utilities are currently available to the property within access and utility easements, emergency service providers would have adequate access to the subdivision, the area is served by public schools which have adequate capacity to accommodate additional students from the subdivision, a compliant mechanism for road maintenance exists, and the proposal would not adversely impact public water and wastewater services.

**Finding #10**

Impact to the other criteria discussed relative to ‘impact on local services’ would be minimal and acceptable with the imposition of conditions because the subject property and the primary accesses have no apparent physical constraints which cannot be adequately addressed through conditions of approval.

**iv. Impact on the Natural Environment****1. Water Quality**

As shown on the preliminary plat and in Figures 1 and 2 above, Trumbull Creek courses through the southeast corner of the subject property and through adjacent properties to the north, east, and west. According to the submitted Environmental Assessment and ground water monitoring information, the generally flat site is underlain by Swims-Kiwanis soils comprised of porous alluvial sands silts, and gravels typical of glacial till. Groundwater monitoring has been performed and documentation of the results indicates relatively shallow seasonal groundwater occurring between 6-feet and 10-feet from the surface where onsite lots and infrastructure are proposed.

In order to minimize impact to shallow groundwater, the subdivision is configured in such a manner that all lots and roads are situated on higher ground well away from the Trumbull Creek embankment, and all lots are proposed to be served by an extension of the public water and sewer systems operated by the Evergreen Water and Sewer District. The submitted stormwater management plan indicates all stormwater drainage would be managed onsite through retention and absorption in the identified drainage swales and retention sites, and no stormwater drainage would enter Trumbull Creek as a result of runoff from the subdivision. As potential impacts to water quality would most likely result from stormwater runoff, Sheet SD-1 of the preliminary plat specifically indicates a drainage swale situated between residential lots and Trumbull Creek would direct that area’s stormwater into a designed stormwater retention area located in Open Space B to prevent direct discharge into Trumbull Creek.

As shown in Figure 2 above, the future offsite road planned to be developed in conjunction with Phase 4 would need to cross Trumbull Creek in order to extend northward to Rose Crossing. While the specific location of the road and the specific design of the crossing have not yet been designed, it is clear that the crossing will interface with Trumbull Creek and its associated floodplain and delineated wetlands.

In order to develop the road and creek crossing, several separate permits including a 310 permit, 318 Authorization, Section 404 permit, and a Floodplain Development Permit appear required to be obtained prior to commencement of any construction activity. Regardless of the precise location or the exact design, development of the road crossing over Trumbull Creek and its sensitive wetland bottomlands in accordance with the conditions of the various required permits would ensure impacts to water quality as a result of the new road crossing would be adequately mitigated.

**2. Air Quality**

As the subdivision is accessed by a paved county road and the internal subdivision road network is proposed to be paved, lasting impacts to air quality are not anticipated as a result of the subdivision. The applicant has submitted a draft Dust Abatement Plan compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

**3. Impact of Noise**

Development of residences on the subdivision lots would likely generate minimal noise during construction, and it is not likely that all would be built simultaneously. The proposed residential use is not anticipated to generate permanent continuous impacting noise to area residents or wildlife.

**4. Impact to Flora**

The subject property is generally flat and open agricultural land which has been actively farmed for wheat. In addition to the prevalent wheat fields on the property, Trumbull Creek which courses through the southeast corner of the subject property contains wetland and riparian vegetation. All onsite subdivision improvements would be located away from the creek and the only anticipated impacts to flora are those associated with potential propagation of weeds on disturbed areas if not managed appropriately. Pursuant to Section 4.7.25 FCSR the applicant would be required to develop and implement a weed management plan specific to be approved by the Flathead County Weed Board prior to final plat approval.

**5. Impact to Floodplain**

Trumbull Creek which courses through the southeast corner of the subject property contains areas of floodplain, and according to FIRM Panel 1810H, the subject property contains areas mapped as being within a special flood hazard area (SFHA) and outside of SFHA. The application submittal includes documents pertaining to an applicable 'Letter of Map Revision' (LOMR) previously issued



by FEMA, and FIRM Panel 1810H, effective June 18, 2013 reflects those adopted map revisions which show the Zone A Flood Zone being confined to the stream channel and bottomlands of Trumble Creek. All proposed lots and onsite road and utility improvements would occur outside of the SFHA in area mapped as 0.2% annual chance flood area, and all areas onsite mapped as Zone A are located within the proposed Common Area A.

As shown in Figure 2 above, the future offsite road planned to be developed in conjunction with Phase 4 would cross Trumbull Creek and its associated Zone A SFHA floodplain. A Floodplain Development Permit would be required for development of the stream crossing at the location, and compliance with the terms and conditions of the permit would ensure impacts to the floodplain as a result of the new crossing would be minimized and adequately mitigated.

**6. Impact to Riparian/Wetland Areas**

The southeast corner of the subject property contains approximately 800 linear feet of wetland and riparian area which occurs along Trumbull Creek and the application submittal includes wetland delineation and a riparian resource management plan. The wetland delineation addresses Trumbull Creek wetlands on the subject property and on adjacent properties owned by the developer, and the delineation has identified wetlands to be both jurisdictional and non-jurisdictional.

The onsite wetlands in the southeast corner of the subject property are mapped as jurisdictional and the area is identified in the riparian management plan as being a riparian area based on soil and vegetation type. The submitted Riparian management plan proposes to protect the wetland/riparian area in the southeast corner of the subject property by recognizing a 100 foot vegetative buffer delineated as proposed Common Area A, which would be managed by the HOA and in which there would be no development activities. Additionally, building sites on adjacent lots would have a 20-foot rear setback imposed by and enforced through the planned CC&R's for the subdivision which would be submitted for review prior to final plat. It is noted that a pedestrian path is proposed along the margin of the Trumbull Creek riverbank where the wheat fields meet the native riparian vegetation. This limited improvement within Common Area A appears reasonable as the improvement would not entail removal of riparian vegetation and the affected area would be upon ground which is not in a pure riparian state but which has historically been intensively farmed.

As proposed, the subdivision would not impact wetland or riparian areas on the subject property because the sensitive wetland and riparian areas are limited to areas of the property within the proposed 100-foot vegetative buffer contained in Common Area A which is unsuitable for development and which should be required to be shown and designated as 'No Build Zone' on the final plat pursuant to Sections 4.7.9 FCSR.

As shown in Figure 2 above, the future offsite road planned to be developed in conjunction with Phase 4 would cross Trumbull Creek and its delineated jurisdictional wetlands. As the wetlands are determined to be jurisdictional, a

Section 404 permit would be required to be obtained from the US Army Corps of engineers for the development of the stream crossing at the location, and compliance with the terms and conditions of 404 permit would ensure impacts to the wetlands as a result of the new road crossing would be minimized and adequately mitigated.

**7. Impact to Historical Features**

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property. Submitted comment from Montana Historical Society indicates no record of historical structures located on the subject property.

**Finding #11**

Adverse impacts to water quality as a result of the subdivision are not anticipated because all proposed lots and onsite roads would be situated on higher ground well away from the Trumbull Creek embankment, all lots would be served by an extension of the public water and sewer systems operated by the Evergreen Water and Sewer District, stormwater management would prevent direct discharge of stormwater from entering area surface waters, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana department of Environmental Quality.

**Finding #12**

Development of the future offsite road planned to be developed in conjunction with Phase 4 may adversely impact water quality without adequate mitigation through imposition of conditions because it would be built across Trumbull Creek in order to extend northward to Rose Crossing.

**Finding #13**

Minimal impacts to flora are anticipated because the area proposed for development has been used historically for dry farm agriculture and no plant species of concern have been identified as being present in that area of the subject property, proposed Common Area A would serve to preserve identified wetland and riparian areas in their vegetated state and buffer subdivision improvements from the sensitive areas of the Trumbull Creek drainage, and completion and adherence to a weed control plan as a condition of preliminary plat approval would minimize the potential for propagation of weeds in disturbed areas.

**Finding #14**

Portions of the subject property are currently mapped as Zone A 100-year floodplain. There is no anticipated impact to floodplain because proposed building sites and subdivision improvements would be located outside of the 0.1% annual chance flood area (100-year floodplain) with the imposition of a condition requiring the elevation and area delineated as Special Flood Hazard area be shown as 'No Build Zone' on the face of the final plat.

**Finding #15**

The future offsite road planned to be developed in conjunction with Phase 4 may adversely impact the floodplain without adequate mitigation through imposition of conditions because it would include a crossing of Trumbull Creek and its associated Zone A 100-year floodplain.

**Finding #16**

While the submitted application materials identify jurisdictional wetlands and riparian vegetation onsite, adverse impacts to riparian and wetland vegetation would be minimized and adequately mitigated if the submitted Riparian Resource Management Plan was implemented and the preliminary plat's proposed Common Area A containing a 100 foot 'Vegetative Buffer' from the center of Trumble Creek was shown as 'No Build Zone' on the face of the final plat because the physical location and sensitivity of the floodplain and Riparian Protection Zone adjacent to the river would be made apparent to future lot owners and persons conducting development activities within the subdivision.

**Finding #17**

The future offsite road planned to be developed in conjunction with Phase 4 may adversely impact wetlands without adequate mitigation through imposition of conditions because the submitted wetland delineation indicates the area proposed for a crossing of Trumbull Creek consists of jurisdictional wetlands.

**Finding #18**

Adverse effects of the proposed subdivision on the natural environment would be minimal and acceptable with the imposition of conditions requiring the developer to mitigate dust and to take necessary steps to manage noxious weeds on site. Impact to the other criteria discussed relative to 'impact on the natural environment' would be minimal and acceptable with the imposition of conditions.

**v. Impact on Wildlife**

The subject property is located in a suburban agricultural area with flat open agricultural fields abutting wooded areas along Trumbull Creek. The submitted Environmental Assessment indicates the general presence of typical wildlife species such as whitetail deer, turkey, pheasant, muskrat, beaver, and black-bear which may inhabit the site. Submitted data from the Montana Natural Heritage Program indicates several 'species of concern' occur within the vicinity of the proposed subdivision, including various birds which rely on water as habitat, fish, and the silver-haired bat. Common Area A contains Trumbull Creek and the entirety of other aquatic habitat resources on the subject property which provide specific critical habitat for the species of concern located in the vicinity of the proposed subdivision and proposed Common Area A is planned for no development which would maintain the quality of aquatic and riparian habitat which occurs onsite.

**Finding #19**

Some impacts on general wildlife such as deer and other small mammals and birds are anticipated because the proposed subdivision would be a densely compact residential development resulting in general displacement and removal of agricultural open area currently used by area wildlife.

**Finding #20**

Adverse impacts of the proposed subdivision on identified wildlife species of concern are not anticipated with the imposition of conditions because the critical habitat for those species which occurs on the subject property is contained within the proposed Common Area A which is not proposed to undergo development activities but would be maintained as open common area by the Home Owners Association.

**vi. Impact on Wildlife Habitat**

The subject property is relatively flat and open land which has been used for dry farming agriculture and which provides some habitat for wildlife where subdivision improvements and residential lots are proposed. According to submitted data from the Montana Natural Heritage Program, several 'species of concern' occur in the vicinity of the subdivision and use the specific type of aquatic habitat including streams and rivers, wetlands, and riparian areas present in the southeast corner of the subject property and contained in proposed Common Area A which is not proposed to undergo development activities but would be maintained as open common area by the Home Owners Association.

**Finding #21**

The proposed subdivision is not anticipated to introduce adverse impacts to wildlife habitat critical to sensitive species of concern because the critical habitat for 'species of concern' which occur on the subject property would be contained in Common Area A which is not proposed to undergo development activities but would be maintained as open common area by the Home Owners Association.

**vii. Impact on Public Health and Safety****1. Flood Risk**

According to FEMA Map Number 30029C1810H, the subject property contains areas mapped as Special Flood Hazard Area - Zone A (100-year floodplain) and areas mapped as Zone X (500-year floodplain). As indicated on the preliminary plat all proposed building sites and onsite subdivision improvements would be located in Zone X and onsite areas of Zone A would be contained in proposed Common Area A. In order to minimize potential damage to structures and harm to residents due to flooding, the 100-year floodplain boundary should be required to be shown as 'No Build Zone' on the face of the final plat.

As shown in Figure 2 above, the future offsite road planned to be developed in conjunction with Phase 4 would cross Trumbull Creek and its associated Zone A SFHA floodplain. A Floodplain Development Permit would be required for development of the stream crossing at the location, and compliance with the terms and conditions of the permit would ensure impacts on health and safety due to flood risks associated with the new crossing would be minimized and adequately mitigated.

**2. Water and Wastewater Treatment**

All lots are proposed to be served by a future connection to the public water and sewer services of the Evergreen Water and Sewer District. The proposed use of public systems for water and sewer are subject to high levels of monitoring which

ensure safety for users. All extensions and connections to the water and wastewater systems would be required to be reviewed and approved by the Evergreen Water and Sewer District, the Flathead County Environmental Health Department, and the Montana Department of Environmental Quality, as applicable.

**3. Stormwater**

The submitted Stormwater Drainage Plan establishes the conceptual plan for stormwater management and indicates no stormwater drainage would enter the surface waters of Trumbull Creek as a result of runoff from the subdivision. The plan appears to adequately manage stormwater on site through directing stormwater to the identified stormwater retention areas where it may be absorbed within soil. As there would be more than one acre of ground disturbed through the installation of subdivision improvements it is anticipated the developer will be required to obtain a General Permit for Stormwater Discharges Associated with Construction Activity issued by the MDEQ.

**4. Road Network**

Legal and physical access will be provided to each lot from the proposed looped internal road system which would approach onto existing Mountain View Drive as shown on the preliminary plat. An offsite road planned to be developed in conjunction with Phase 4 would extend north and approach onto Rose Crossing providing an additional point of ingress/egress for the subdivision. The new roads are proposed to be designed, built and paved to current applicable county standards and also to City of Kalispell standards for width, curb-and-gutter, and boulevard sidewalks. The submitted TIS indicates impacts from the traffic anticipated to be generated from the subdivision would not necessitate offsite improvements to area roads or intersections in consideration of the condition of those road features and the volume of traffic they currently accommodate at various peak hours. Copies of the Preliminary Plat, Environmental Assessment, and TIS were provided to Dave Prunty of the Flathead County Road and Bridge Department and James Freyholtz of Montana Department of Transportation, and comment from each indicates no outstanding concerns which suggests the proposal is acceptable in regard to the capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.

**5. High Voltage Electric Lines/High Pressure Gas Lines**

There are no exposed high voltage electric lines or high pressure gas lines on the subject property.

**6. Fire and Emergency Services**

The property is not mapped as being within the Wildland Urban Interface, and the subdivision's land-cover is comprised mainly of cultivated fields with riparian vegetation located along the banks of Trumbull Creek in the southeastern corner of the subject property. The site is located within the Evergreen Fire District, and a fire station with Advanced and Basic Life Support services is located approximately 1.25 driving miles south of the subdivision on US Highway 2 and



the Kalispell Regional Medical Center is approximately five driving miles from the proposed subdivision. The preliminary plat indicates the development design includes fire hydrants which would be required to comply with the specific standards of the Evergreen Fire District.

**7. Geologic Hazards**

As shown on the preliminary plat, the subject property is generally flat with gently rolling terrain and a short steep bank above Trumbull Creek. The subdivision is designed such that most subdivision improvements would be confined to the flatter areas centrally located on the property and each lot possesses buildable areas that comply with the Flathead County Subdivision Regulations in regard to slope and driveway access. The submitted environmental assessment and groundwater monitoring data indicate relatively shallow groundwater occurring approximately 6-10 feet beneath the ground surface and the environmental assessment suggests that full basements should be prohibited due to the risk associated with flooding due to seasonally fluctuating high ground water. As conditions of approval are intended to be met at the time of final plat approval which occurs before lots are created, sold, and built upon the a condition prohibiting full basements may or may not be effective, however a condition requiring a related statement on the face of the final plat could serve to inform future landowners that basements are not advisable. There is no planned infrastructure in the steep areas of the property and according to submitted application there is no indication of unstable soils which would indicate significant geologic hazards present on the subject property.

**8. Avalanche Hazards**

The subdivision is not located in an area of the County considered to be prone to avalanche hazards.

**9. Airport Influence Areas**

The subject property is not within an airport influence area.

**10. Soils**

As indicated in submitted application materials, soils on the subject property are generally comprised of a variety of silty, sandy, and gravelly loams referred to as Swimms-Kiwanis soils which generally are described as well drained soils having low shrink-swell potential. It is anticipated soils on site would not pose a risk for health and safety for typical residential uses and road development, as other area properties and roads similarly situated appear to be developed with stability.

**Finding #22**

Portions of the subject property are currently mapped on FEMA Firm Panel 30029C1810H as Zone A and Zone X. Adverse impacts to public health and safety due to flood risk would be minimized if the area delineated as Zone A (aka 100-year floodplain) was shown as 'No Build Zone' on the face of the final plat because the physical location of the floodplain would be made apparent to future lot owners, thus reducing the potential for uninformed development activities within the delineated Special Flood Hazard Area.

**Finding #23**

The plan for a future offsite road to be developed in conjunction with Phase 4 may create a risk to health and safety related to flood risk because it would cross Trumbull Creek and its associated Zone A floodplain. Flood Risk associated with the planned road and its crossing of Trumbull Creek may be minimized with the imposition of conditions requiring the developer to obtain a Floodplain Development Permit since compliance with the terms and conditions of the permit would ensure impacts on health and safety due to flood risks associated with the new crossing would be minimized and adequately mitigated.

**Finding #24**

The effects of this proposed subdivision on public health and safety in regard to the proposal for water and wastewater treatment is acceptable because public water and sewer systems are subject to high levels of monitoring which ensure safety for users.

**Finding #25**

Impacts of the proposed subdivision on the area road network appear to be acceptable because the submitted Traffic Impact Study indicates no offsite improvements to area roads or intersections are called for and comments from the Flathead County Road and Bridge Department and the Montana Department of Transportation indicate the proposal is acceptable in regard to the capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.

**Finding #26**

Minimal risks to public health and safety are anticipated with the imposition of conditions because the proposal for water, sanitation, and stormwater will be required to be reviewed and approved prior to installation of the proposed new facilities; adequate physical and legal access to the subdivision is currently provided and adequate emergency services are available for the subdivision; areas within the 100-year floodplain would be shown as 'No Build Zone' on the face of the final plat; there are no high voltage electric or high pressure gas lines on or around the subject property; and, there are no apparent hazards associated with geology, avalanche, or airport influence areas.

**B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.****Finding #27**

The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

**C. Compliance with the Flathead County Subdivision Regulations****Finding #28**

No variances are requested or required. A four-phase phasing plan has been proposed. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective June 1, 2012 as compliant legal and physical access

would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.

**D. Compliance with the Flathead County Subdivision Review Procedure**

- i. Pre-application Conference Date**  
June 12, 2013
- ii. Application Deadline Date (6 months from pre-application)**  
December 12, 2013 (application submitted August 6, 2013)
- iii. Completeness Date**  
August 13, 2013
- iv. Sufficiency Date**  
October 11, 2013
- v. Agency Referral Requests Mailing Date**  
October 29, 2013
- vi. Adjacent Property Notification Mailing Date**  
November 18, 2013
- vii. Legal Notice Publication Date**  
November 24, 2013
- viii. On-site Posting of Public Hearing Date**  
November 12, 2013

**Finding #29**

The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective June 1, 2012.

**E. Provision of Easements for the Location and Installation of Planned Utilities**

**Finding #30**

The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

**F. Provision of Legal and Physical Access to Each Parcel**

**Finding #31**

Mountain View Drive via East Reserve Drive would provide legal and physical access to the subdivision, and the proposed looped internal road system would provide legal and physical access to the individual Lots. The internal road system would be privately maintained, occurring within a 60 foot wide private road and utility easement, and would be constructed and paved in compliance with applicable Flathead County standards.

**G. Review of Applicable Plans**

76-1-605(2)(b) M.C.A. states that “A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.” Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which

an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

**i. Neighborhood Plan**

The subject property is located within the Two Rivers Plan (Plan) which is composed of policies and a land use map. The Plan serves as a localized planning tool for the Two Rivers area, and the Plan was incorporated into the Growth Policy to provide more specific guidance on future development and land use decisions within the plan area at the local level.

The Two Rivers Plan Map identifies the subject property as ‘High Density 8+’ and ‘Open Space’ on the Land Use Map. The part of the property designated as open space by the plan generally correlates with the location of Trumble Creek and the preliminary plat’s proposed Common Area A. The part of the property designated as ‘High Density 8+’ by the plan correlates with the area proposed for development of lots and subdivision improvements. The proposed residential density of approximately 3 units per acre is less than the density of 8 units per acre the plan contemplates. The preliminary plat appears to comply with the Two Rivers Plan because the proposed residential development is compatible with the future land use map designation in regard to use and density.

**ii. Flathead County Growth Policy**

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

**H. Compliance with Local Zoning**

As of the date this report was prepared the subject property is currently zoned SAG-10 Suburban Agricultural within the Evergreen Zoning District, however the subject property has recently undergone under review for a zoning map amendment to R-4 Two-Family Residential (refer FZC-13-03). With a proposed density of 1 dwelling unit per 0.32 acres, approval of the proposed subdivision is contingent on approval and adoption of the requested zone change to R-4. The zone change has been preliminarily approved with adoption of Notice of Passage of Resolution No. 797 FO by the Flathead County Commission on November 4, 2013. The proposed zoning map amendment is currently within the thirty-day ‘protest period’, which will end prior to the public hearing on the subdivision proposal. Approval of the subdivision should be conditioned upon adoption of the proposed R-4 zoning designation for the subject property through a final resolution.

**Finding #32**

The preliminary plat is under review concurrently with a proposed zoning map amendment to adopt R-4 Two-Family Residential zoning on the subject property which would provide the basis for the proposed use and density of the subdivision. If the zone

change is adopted through a final resolution, the preliminary plat would comply with the applicable zoning because the subdivision and its lots would meet the density, use, and applicable bulk and dimensional requirements of the applicable zoning. The preliminary plat would not comply with local zoning if the zone change is not adopted through a final resolution because the proposed subdivision density and lot sizes depend upon the permissible density allowances offered by the adopt R-4 Two-Family Residential standards as outlined in Section 3.12.040 of the Flathead County Zoning Regulations.

## **V. SUMMARY OF FINDINGS**

1. The development's impact on agriculture would be minimal and limited to the subject property because adjacent properties are not dependent upon the subject property for continued agricultural use, agricultural access, or for irrigation water.
2. There would be no impact to agricultural water user facilities because the subject property is not irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, is not party to any irrigation agreements, and there is a mechanism established by the Montana DNRC by which the developer may appropriately update the ownership information pertaining to an existing irrigation water right.
3. The proposal for domestic water supply and wastewater management for all lots within the subdivision is connection of all lots to the public water and sewer services of the Evergreen Water and Sewer District, which will necessitate an extension of existing water and sewer mainlines presently situated adjacent to the subject property. The District has submitted a will-serve letter, and while the proposed connection to the District's public water and sewer services is feasible, such a connection and use of services is subject to the subdivision and developer complying with standard policies of the District in addition to specific terms and conditions established in Resolution No. 5103 and an Interlocal Agreement between the City of Kalispell and the Flathead County Water and Sewer District No. 1 because the subject property is not currently annexed into the service area of the Evergreen Water and Sewer District and is outside the applicable service boundary established by RSID No. 132.
4. The proposal to dedicate the proposed park and Common Area A managed by a Home Owners Association to satisfy parkland requirements appears acceptable because the combined recreational area acreage exceeds the requirement for parkland as outlined in Section 4.7.24 FCSR and the Flathead County Parks and Recreation Department has not indicated concern with the proposal.
5. The proposed road approaching onto Rose Crossing appears reasonable because the paved offsite road and its crossing of Trumbull Creek would be designed and constructed to comply with the standards outlined in Section 4.7.16 of the Flathead County Subdivision Regulations and the Flathead County Road and Bridge Department's *Minimum Standards For Design and Construction*.
6. Primary access would be from existing 32-foot wide paved Mountain View Drive via East Reserve Drive and a future offsite road to be developed with Phase 4 which would approach onto Rose Crossing. The anticipated impact of traffic generated by the

proposed subdivision on existing area roads and intersections appears minimal and acceptable because the submitted Traffic Impact Study recommends no improvements to the existing transportation network be required as it identified no adverse impact to existing area roads or intersections attributable to the proposed subdivision; the subdivision roads would meet or exceed applicable Flathead County Road and Bridge Department standards for sub-grade structure, width, and paving; the subdivision roads would also comply with the City of Kalispell's design standards in regard to width, curb-an-gutter, and boulevard/sidewalk standards, and; a requirement for an approach permit for the location where the new road would approach onto Rose Crossing would ensure that the new road intersection would be developed in a well-designed and safe manner.

7. As currently proposed, the internal subdivision road names would adversely impact services of emergency service providers because the proposed names do not comply with the requirements of Resolution No. 1626C which aim to coordinate street names and house addresses with the 911 Emergency Response System.
8. The proposal would not adversely impact services of the Evergreen Fire District because the location is in close proximity to fire stations, the site would be developed with fire hydrants to aid in fire suppression, and adequate access may be provided for emergency vehicles.
9. Impact to the other criteria discussed relative to 'impact on local services' would be minimal and acceptable with the imposition of conditions because the subject property and the primary accesses have no apparent physical constraints which cannot be adequately addressed through conditions of approval.
10. Effects of the proposed subdivision on local services would be minimal with imposed conditions because necessary utilities are currently available to the property within access and utility easements, emergency service providers would have adequate access to the subdivision, the area is served by public schools which have adequate capacity to accommodate additional students from the subdivision, a compliant mechanism for road maintenance exists, and the proposal would not adversely impact public water and wastewater services.
11. Adverse impacts to water quality as a result of the subdivision are not anticipated because all proposed lots and onsite roads would be situated on higher ground well away from the Trumbull Creek embankment, all lots would be served by an extension of the public water and sewer systems operated by the Evergreen Water and Sewer District, stormwater management would prevent direct discharge of stormwater from entering area surface waters, and the water supply, wastewater treatment, and stormwater management would be required to meet applicable requirements of the Flathead County Environmental Health Department and the Montana department of Environmental Quality.
12. Development of the future offsite road planned to be developed in conjunction with Phase 4 may adversely impact water quality without adequate mitigation through imposition of conditions because it would be built across Trumbull Creek in order to extend northward to Rose Crossing.

13. Minimal impacts to flora are anticipated because the area proposed for development has been used historically for dry farm agriculture and no plant species of concern have been identified as being present in that area of the subject property, proposed Common Area A would serve to preserve identified wetland and riparian areas in their vegetated state and buffer subdivision improvements from the sensitive areas of the Trumbull Creek drainage, and completion and adherence to a weed control plan as a condition of preliminary plat approval would minimize the potential for propagation of weeds in disturbed areas.
14. Portions of the subject property are currently mapped as Zone A 100-year floodplain. There is no anticipated impact to floodplain because proposed building sites and subdivision improvements would be located outside of the 0.1% annual chance flood area (100-year floodplain) with the imposition of a condition requiring the elevation and area delineated as Special Flood Hazard area be shown as 'No Build Zone' on the face of the final plat.
15. The future offsite road planned to be developed in conjunction with Phase 4 may adversely impact the floodplain without adequate mitigation through imposition of conditions because it would include a crossing of Trumbull Creek and its associated Zone A 100-year floodplain.
16. While the submitted application materials identify jurisdictional wetlands and riparian vegetation onsite, adverse impacts to riparian and wetland vegetation would be minimized and adequately mitigated if the submitted Riparian Resource Management Plan was implemented and the preliminary plat's proposed Common Area A containing a 100 foot 'Vegetative Buffer' from the center of Trumble Creek was shown as 'No Build Zone' on the face of the final plat because the physical location and sensitivity of the floodplain and Riparian Protection Zone adjacent to the river would be made apparent to future lot owners and persons conducting development activities within the subdivision.
17. The future offsite road planned to be developed in conjunction with Phase 4 may adversely impact wetlands without adequate mitigation through imposition of conditions because the submitted wetland delineation indicates the area proposed for a crossing of Trumbull Creek consists of jurisdictional wetlands.
18. Adverse effects of the proposed subdivision on the natural environment would be minimal and acceptable with the imposition of conditions requiring the developer to mitigate dust and to take necessary steps to manage noxious weeds on site. Impact to the other criteria discussed relative to 'impact on the natural environment' would be minimal and acceptable with the imposition of conditions.
19. Some impacts on general wildlife such as deer and other small mammals and birds are anticipated because the proposed subdivision would be a densely compact residential development resulting in general displacement and removal of agricultural open area currently used by area wildlife.
20. Adverse impacts of the proposed subdivision on identified wildlife species of concern are not anticipated with the imposition of conditions because the critical habitat for those species which occurs on the subject property is contained within the proposed

Common Area A which is not proposed to undergo development activities but would be maintained as open common area by the Home Owners Association.

21. The proposed subdivision is not anticipated to introduce adverse impacts to wildlife habitat critical to sensitive species of concern because the critical habitat for 'species of concern' which occur on the subject property would be contained in Common Area A which is not proposed to undergo development activities but would be maintained as open common area by the Home Owners Association.
22. Portions of the subject property are currently mapped on FEMA Firm Panel 30029C1810H as Zone A and Zone X. Adverse impacts to public health and safety due to flood risk would be minimized if the area delineated as Zone A (aka 100-year floodplain) was shown as 'No Build Zone' on the face of the final plat because the physical location of the floodplain would be made apparent to future lot owners, thus reducing the potential for uninformed development activities within the delineated Special Flood Hazard Area.
23. The plan for a future offsite road to be developed in conjunction with Phase 4 may create a risk to health and safety related to flood risk because it would cross Trumbull Creek and its associated Zone A floodplain. Flood Risk associated with the planned road and its crossing of Trumbull Creek may be minimized with the imposition of conditions requiring the developer to obtain a Floodplain Development Permit since compliance with the terms and conditions of the permit would ensure impacts on health and safety due to flood risks associated with the new crossing would be minimized and adequately mitigated.
24. The effects of this proposed subdivision on public health and safety in regard to the proposal for water and wastewater treatment is acceptable because public water and sewer systems are subject to high levels of monitoring which ensure safety for users.
25. Impacts of the proposed subdivision on the area road network appear to be acceptable because the submitted Traffic Impact Study indicates no offsite improvements to area roads or intersections are called for and comments from the Flathead County Road and Bridge Department and the Montana Department of Transportation indicate the proposal is acceptable in regard to the capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.
26. Minimal risks to public health and safety are anticipated with the imposition of conditions because the proposal for water, sanitation, and stormwater will be required to be reviewed and approved prior to installation of the proposed new facilities; adequate physical and legal access to the subdivision is currently provided and adequate emergency services are available for the subdivision; areas within the 100-year floodplain would be shown as 'No Build Zone' on the face of the final plat; there are no high voltage electric or high pressure gas lines on or around the subject property; and, there are no apparent hazards associated with geology, avalanche, or airport influence areas.
27. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements,



which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

28. No variances are requested or required. A four-phase phasing plan has been proposed. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective June 1, 2012 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions.
29. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective June 1, 2012.
30. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.
31. Mountain View Drive via East Reserve Drive would provide legal and physical access to the subdivision, and the proposed looped internal road system would provide legal and physical access to the individual Lots. The internal road system would be privately maintained, occurring within a 60 foot wide private road and utility easement, and would be constructed and paved in compliance with applicable Flathead County standards.
32. The preliminary plat is under review concurrently with a proposed zoning map amendment to adopt R-4 Two-Family Residential zoning on the subject property which would provide the basis for the proposed use and density of the subdivision. If the zone change is adopted through a final resolution, the preliminary plat would comply with the applicable zoning because the subdivision and its lots would meet the density, use, and applicable bulk and dimensional requirements of the applicable zoning. The preliminary plat would not comply with local zoning if the zone change is not adopted through a final resolution because the proposed subdivision density and lot sizes depend upon the permissible density allowances offered by the adopt R-4 Two-Family Residential standards as outlined in Section 3.12.040 of the Flathead County Zoning Regulations.

## **VI. CONCLUSION**

In accordance with the provisions of Section 4.4 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision application has been completed by the staff of the Planning Board. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to Findings of Fact stated above, or can be mitigated with conditions of approval. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, the following conditions should be considered to supplement that recommendation.

## VII. CONDITIONS

### A. Standard Conditions

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall comply with reasonable fire suppression and access requirements of the Evergreen Fire District. A letter from the fire chief stating that the plat meets the requirements of the fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b), FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25, FCSR]
4. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the *Flathead County Minimum Standards for Design and Construction*, as applicable. [Sections 4.7.16, 4.7.17 FCSR]
5. With the application for final plat, the applicant shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
6. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23, FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed and approved as applicable by the Evergreen Water and Sewer District, the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Section 4.7.12, 4.7.20, 4.7.21 FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.28, FCSR]
9. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22, FCSR]
10. The following statements shall be placed on the face of the final plat applicable to all lots:

- a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
  - b. All utilities shall be placed underground. [Section 4.7.23, FCSR]
  - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
  - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
  - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]
11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
  12. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
  13. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
  14. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
  15. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16, FCSR]
  16. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13, FCSR]
  17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

## B. Project-Specific Conditions

18. The proposed phasing plan shall be implemented in accordance with the requirements of Section 4.4.2 of the Flathead County Subdivision Regulations; each development phase submitted for final plat review and approval shall be required to meet all conditions of approval established or identify where certain conditions have been previously met or are not applicable to the particular phase.
19. A total of 2.09 acres (minimum) of land shall be dedicated as parkland and maintained by the Homeowner's Association in accordance with the provisions of Section 4.7.24(d)(ii) FCSR, and shall be designated on the face of the final plat. The dedication of open space in conjunction with the proposed Weimer Park may be made over the course of multiple phases of development, in accordance with the proposed phasing plan submitted with the application materials.
20. The proposed extensions and connections of the public water and sewer systems shall comply with the standards and requirements of the Evergreen Water and Sewer District in accordance with the specific terms and conditions established in Resolution No. 5103 and the Interlocal Agreement between the City of Kalispell and the Flathead County Water and Sewer District No. 1. A letter from the District stating that the water and sewer improvements for each subdivision phase meet the District requirements shall be submitted with the application for Final Plat of each phase. [Sections 4.7.20, 4.7.21 FCSR]
21. The proposed water supply for fire suppression and hydrants onsite shall meet all applicable requirements set forth in Section 4.7.26(a) of the Flathead County Subdivision Regulations.
22. Prior to final plat approval of the first phase (Phase 2), the applicant shall provide evidence that all applicable water right requirements of the Department of Natural Resources Water Resources Division have been met.
23. Stop signs shall be installed at the intersections of the internal roads, and at the intersection of the off-site road extending to Rose Crossing in accordance with the standards outlined in Section 2-05 of the *Flathead County Minimum Standards for Design and Construction*, as applicable to ensure safe and efficient traffic flow to, from, and within the proposed subdivision. [Sections 4.7.16, 4.7.17 FCSR]
24. The applicant shall show proof of a completed approach permit from the Flathead County Road and Bridge Department for the approach of the proposed Phase 4 off-site road extending to Rose Crossing indicating the approach has been built and received final inspection and final approval. [Section 4.7.16, FCSR]
25. All permits including a Section 404 Permit, 310 Permit, 318 Authorization, and a Floodplain Development Permit are required to be obtained prior to construction of the road crossing of Trumbull Creek and its associated delineated jurisdictional wetlands and delineated 100 year floodplain in conjunction with development of the proposed Phase 4 off-site road extending to Rose Crossing. A copy of the permits shall be available upon request and submitted prior to final plat approval of the particular phase in which the road is constructed.

26. The design and construction of the off-site road extending to Rose Crossing, proposed as a Phase 4 improvement, shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the Flathead County Minimum Standards for Design and Construction, as applicable. [Sections 4.7.16, 4.7.17 FCSR]
27. The delineated SFHA 100-year floodplain and Base Flood Elevation shall be shown and labeled as a 'No Build Zone' on the face of the final plat. [Sections 4.7.5(a & d) and 4.7.9 FCSR]
28. The Riparian Resource Management Plan shall comply with 4.7.11 FCSR and be approved by the Commission. The 100-foot vegetative buffer identified in the plan shall be shown and labeled as a 'No Build Zone' on the face of the final plat. [Section 4.7.11, FCSR]
29. The following statement shall appear on the face of the final plat:
  - f. All lots within Trumble Creek Crossing Phases 2-5 Subdivision may be subject to seasonal high ground water which may result in flooding of basements. Construction of basements on any Lot is not advised.
30. The concurrently proposed zoning map amendment from SAG-10 to R-4 shall be adopted by Final Resolution of the Flathead County Board of Commissioners prior to final plat approval in order that the proposed subdivision is compliant with applicable local zoning.